


FLORIDA HIGHWAY PATROL

POLICY MANUAL

	SUBJECT VEHICLE TOWING AND IMPOUNDMENT	POLICY NUMBER 11.04
	APPLICABLE CALEA STANDARDS	ISSUE DATE 02/01/96
		REVISION DATE 07/01/07
		TOTAL PAGES 5

11.04.01 PURPOSE

To prescribe regulations for the towing/impoundment of vehicles by members of the Florida Highway Patrol.

11.04.02 POLICY

It is the policy of the Florida Highway Patrol to provide procedures for the towing, impoundment and storage of vehicles.

11.04.03 OBJECTIVES

- A. To protect the property of arrested individuals upon incarceration.
- B. To protect the Division from liability.
- C. To establish guidelines for the towing/impoundment of vehicles of arrested individuals.
- D. To establish guidelines for the towing, impoundment and storage of vehicles in other law enforcement situations.
- E. To designate the use of the Inventory and Vehicle Storage Receipt (HSMV 61801).

11.04.04 PROCEDURES

- A. Vehicles shall be towed and impounded in the following situations:
 - 1. To secure evidence of a crime.
 - 2. To protect the public or property of the public.
 - 3. To protect the owner's/driver's vehicle and property within that vehicle.
 - 4. To protect the Division from liability claims.

5. If the driver has been arrested for Driving Under the Influence and no other licensed driver is available. Also, no vehicle will be left in the possession of any person who appears to be impaired from the use of alcohol or drugs.
 6. If the vehicle has been vandalized.
 7. As provided in Section 316.194(3), Florida Statutes.
- B. The Florida Highway Patrol maintains a Wrecker Allocation System, commonly referred to as a Rotation Wrecker List. Guidelines for this system can be found in Rule 15b-9, Florida Administrative Code.
- C. GUIDELINES FOR REQUESTING WRECKERS

Members at the scene, who are requesting a wrecker from the duty officer, shall adhere to the following guidelines to ensure compliance with the Wrecker Qualification and Allocation System rules.

1. Ascertain from the owner/driver of the vehicle to be towed, if they have a preference of wrecker operator. If they have an owner's request, the member shall advise the duty officer to call that wrecker operator, regardless of whether or not they are on the rotation list. If they have no particular request of a wrecker operator, the member shall advise the duty officer to dispatch the next rotation wrecker for that zone and class.
2. Request wreckers by classification (class). The classification shall be determined by type and gross vehicle weight (GVW) of the vehicle to be towed.
3. Use good judgment when requesting Slide-Back or Roll-Back carriers as there is not a separate class or rotation list for these type wreckers. A request for a carrier wrecker may necessitate calling a wrecker operator out of rotation from the list and this procedure, if used, must be justified. In most instances, a typical wrecker with a wheel-lift or dollies, will be able to accomplish most removal tasks for their class of wrecker.
4. If there is no roadblock or emergency situation present, the member should wait until he/she is ready for the vehicle to be removed before calling for a wrecker. This will prevent a wrecker operator from sitting idly by waiting for the member to release the vehicle. Wrecker operators may charge an hourly rate after the first thirty minutes on the scene and a mileage charge for miles outside the ten mile radius of the operators business. This may result in additional charges to the motorist.

5. Members will not inquire of the duty officer as to which rotation wrecker operator is next on the list. This could lead to accusations or suspicions of "picking" wreckers from the rotation list to suit a member's personal wishes.
6. Except as outlined in Section (F.) 1-3, an Inventory and Vehicle Storage Receipt (HSMV 61801) shall be completed on **all** vehicles removed by a wrecker.
7. The investigating member shall advise the duty officer of all vehicle information needed for the completion of the wrecker log (i.e., vehicle year, make, tag number, and vehicle identification number (VIN)). This should be done prior to leaving the scene or immediately upon completion of the assignment. This shall apply in all instances where a wrecker is used, whether called by the Division or not.
8. A member shall not advise the duty officer to tell a wrecker operator to respond, "10-18" (emergency) to a scene.

D. ROAD SERVICE/MOTORIST AID CALL BOXES

The wrecker rotation list shall be used for all "roadside service requests" and "motorist aid call box calls" in the absence of an owner's request. The wrecker call shall be logged the same as any other wrecker rotation call. However, the responding wrecker will not be rotated unless a tow occurs.

- E. Members shall not be at liberty to discuss alternatives to impoundment upon the determination that the vehicle should be towed.
- F. Any time a vehicle is towed pursuant to this policy and a member is present at the scene, an Inventory and Vehicle Storage Receipt will be completed.
1. If a wrecker is called from the FHP rotation wrecker list, a complete and thorough inventory of the vehicle will be conducted.
 2. If the owner/driver does not or is incapable of accompanying the vehicle, a complete and thorough inventory of the vehicle will be conducted.
 3. If the owner/driver of the vehicle requests a rotation wrecker, specific company or auto club to remove the vehicle and the owner/driver is present and accompanies the vehicle with the wrecker, no inventory is required. A notation in the inventory section of the form will be made to indicate that the owner/driver went with the vehicle.

G. Anytime an inventory of a vehicle is conducted the following areas will be inventoried and any property contained therein will be listed on the form:

1. The passenger compartment of the vehicle, including all packages and containers.
2. The trunk compartment of the vehicle, including all packages and containers.
3. The glove compartment of the vehicle.
4. Any other areas that may be designed and normally used to hold personal property of the owner.
5. Any locked, secured or wrapped packages or containers shall be noted as being locked and will not be opened unless prescribed by law or with the owner's consent.

If no member has been dispatched and a vehicle is towed, such as a call box request for service in a rural area, it is not necessary to complete an Inventory and Storage Receipt form. A notation is to be made in the wrecker log that no member was dispatched to the scene.

H. HOLDS PLACED ON VEHICLES

1. Holds may be placed on vehicles only for the following reasons:
 - a. There is probable cause to believe that the vehicle may be seized and forfeited under the Florida Contraband Forfeiture Act.
 - b. There is probable cause to believe that the vehicle may be seized and forfeited in accordance with Section 372.312, F.S. for a violation of the wildlife laws.
 - c. There is probable cause to believe that the vehicle was used as the means of committing a crime.
 - d. There is probable cause to believe that the vehicle is itself evidence that tends to show that a crime has been committed or that the vehicle contains evidence, which cannot be readily removed, that tends to show that a crime has been committed.
 - e. There is probable cause to believe that the vehicle was involved in a traffic crash resulting in death or personal injury and should be sealed for investigation and collection of evidence by a traffic homicide investigator.
 - f. The vehicle is impounded or immobilized pursuant to Section 316.193 or Section 322.34, F.S.

- g. In compliance with a court order.
- 2. Holds are not to be placed on vehicles solely for the purpose of requiring the owner/driver to contact FHP, where the driver has fled the scene on foot.
- 3. Holds should be released as soon as possible. If there is justification and need to hold a vehicle longer than five days, the wrecker operator must be notified in writing and provided the following information:
 - a. The name and agency of the member placing the hold on the vehicle.
 - b. The date and time the hold is placed on the vehicle.
 - c. A description of the vehicle including its color, make, model, body style, and year; VIN; tag number, state and year; and validation sticker number, state, and year.
 - d. The specific reason for placing the hold.
 - e. The condition of the vehicle.
 - f. The name, address, and telephone number of the wrecker operator and the storage facility.

A copy of the notification will be provided to an appropriate district supervisor and communications center.

- 4. It is the responsibility of the member requesting the hold to also notify the wrecker operator and duty officer when the hold is released.
- 5. If the vehicle is to be held for more than 5 days, arrangements to have the vehicle stored at a facility where it will not accrue storage charged are to be made. Proof of payment of applicable wrecker bills must be presented prior to release of the vehicle.